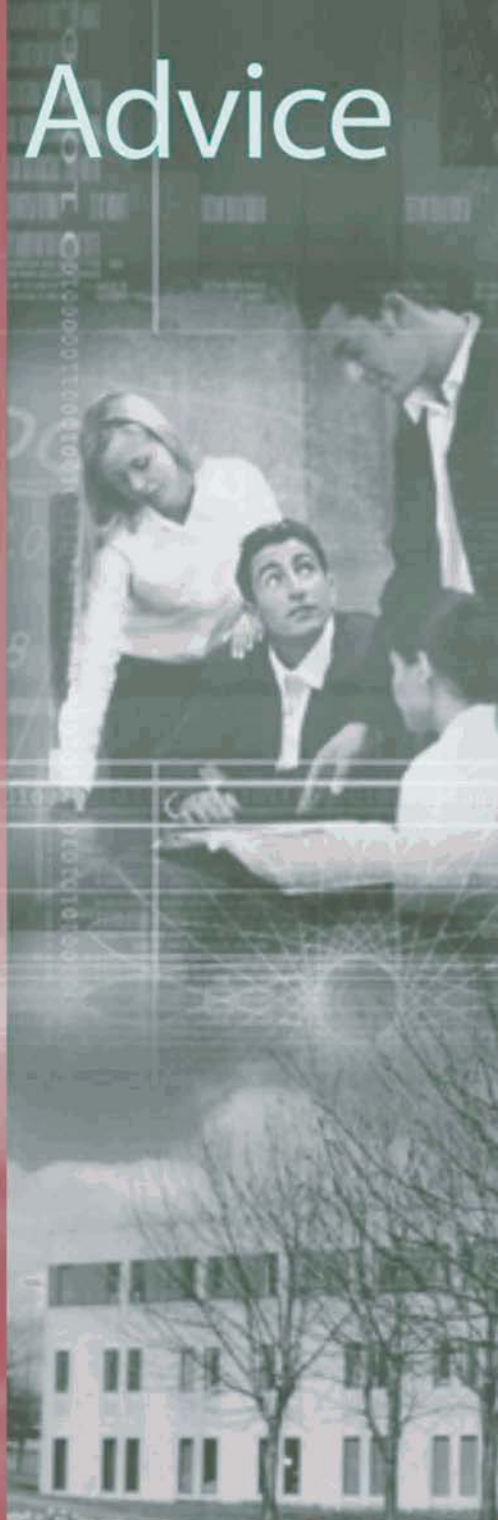


Help and Advice

Appealing against
the council's
decision on a
planning
application



Kirklees
METROPOLITAN COUNCIL

Planning Services

PLANNING FOR THE FUTURE

This leaflet explains how to appeal against decisions on planning applications. When it decides planning applications the council is known as the 'local planning authority' or 'LPA'.

Only the applicant may appeal against planning decisions made by the council.

Before you appeal we recommend that you discuss your application with the LPA, as you may be able to reach an acceptable compromise. The appeals procedure should only be used as a last resort.

The appeals procedure

When you send your application to the local planning authority (LPA) your application should be decided in 8 weeks (for minor applications) and 13 weeks (for major applications).

You will usually have the right to appeal if:

- you disagree with the LPA's decision
- you disagree with any conditions placed upon an approval

or

- your application is not decided within the 8- or 13-week time limit.

There is a strict time limit of 6 months within which the appeal must be made.

In England, appeals are made to The First Secretary of State. The Planning Inspectorate usually administers these appeals.

Only the applicant may make the appeal. There is no right of appeal for 'interested parties' in England and Wales.

When you make your appeal it will be checked and the Planning Inspectorate will ask you for any other information it needs.

The appeal will be considered by an independent inspector who will take account of the following:

- the development plan
- national planning policy
- your statement of case (see below)
- the LPA's statement of case
- comments made by other parties.

Your case will be considered on its planning merits only.



Help and Advice

Making an appeal

To make an appeal you must use an official form, which you can get from the Planning Inspectorate. There are specific forms for different types of consent, such as planning permission or listed building consent. You must fill in three copies of the form. Send one to the Planning Inspectorate, one to the LPA and keep a copy for yourself. Unfortunately the inspectorate does not yet accept appeals by email.

Your grounds of appeal

In your grounds of appeal you must say clearly why you disagree with the LPA's decision. This is your 'statement of case'. If you do not do this your appeal may not be accepted. You must deal with each of the LPA's reasons for refusal and give clear arguments based on planning issues, showing why the LPA's reasons for refusal were incorrect in your opinion. To strengthen your case you may include plans and photographs.

Choice of procedure

There are three types of procedure these are:

- written representations
- hearing
- inquiry

If all parties agree, the Planning Inspectorate will decide the case on a 'written representation procedure'. This is based on written statements which are presented and exchanged. If all the parties do not agree to a written procedure the inspectorate may arrange a hearing or inquiry.

When deciding which procedure to use you should remember:

- Appeals are decided on their planning merits only.
- The written procedure is usually quicker.
- A hearing is an informal way of giving verbal evidence. Cross-examination is not usually allowed.
- At an inquiry you can talk to the inspector personally and challenge any evidence put forward against your appeal.

Timetable for appeals

All appeal documents must be received within 6 months of the date of the LPA's decision.

If you are appealing because the LPA has not made a decision on your application, the 6-month period starts on the date when the LPA should have made its decision

When the Planning Inspectorate receives your appeal it will issue strict deadlines for receiving information from you, the LPA and any other interested parties. Any comments received after the deadline will not usually be taken into account.

Costs

Appeals are free, but you are likely to have incidental costs, such as professional fees. If your appeal is to be dealt with as an inquiry or hearing you can ask the Secretary of State or Planning Inspector to order the LPA to pay all or part of your costs. The LPA can also ask that you pay their costs.

Costs can only be awarded if it is proved one party has behaved unreasonably and put the other party to unreasonable or wasted expense. If your appeal is to be decided by a hearing or inquiry the inspectorate will send you a guide to claiming costs against the LPA.

The decision

Once a decision has been made you will be told in writing. The decision will usually include:

- a list of the important issues
- the main arguments for and against
- an explanation of the decision.

The Planning Inspectorate will also send a copy of the decision to the LPA and any other interested parties.

If you do not agree with an appeal decision you can appeal to the High Court. To be successful you have to show that the law has been misinterpreted. If you are successful the appeal will be reviewed. However, this need not lead to a different decision.

References

Guide to Taking Part in Planning Appeals - The Planning Inspectorate (HMSO 2000)

Making Your Planning Appeal - The Planning Inspectorate (HMSO 2000)

Useful addresses

Customer Support Unit
The Planning Inspectorate
Room 3/15 Eagle Wing
Temple Quay House
2 The square, Temple Quay
Bristol Bs1 6PN

Phone: 0117 3726372
www.planning-inspectorate.gov.uk

Local Government
Ombudsman
Beverly House
17 Shipton Road, York, Yo3 6FZ

Kirklees Planning services
P.O. Box B93, Civic Centre III
Huddersfield, Hd1 2JR

Contact Numbers

Development Control East:
01484 221508
01484 221600

Development Control West:
01484 221604
01484 221605

Development Control Support
Unit
(Applications and fees)
01484 221584
01484 221587